

DOCKET NO.: 8594-001-64

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Anthony BEVERINA, et al. ART UNIT: 2128
SERIAL NO.: 09/453,509 EXAMINER: Thai Q. Phan
FILING DATE: December 3, 1999
FOR: METHOD AND APPARATUS FOR RISK MANAGEMENT

PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicant request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

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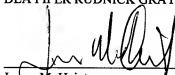
- ☐ applicant/inventor.
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
☒ attorney or agent of record.
Registration No.: 41,828
☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*

- ☒ *Total of 1 forms are submitted.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP



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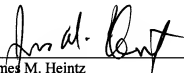
Applicants hereby request, pursuant to the pilot program described at 1296 Off. Gaz. 67 (July 12, 2005, as extended on January 11, 2006), pre-appeal brief review of the outstanding rejection of claims 1-12, 44 and 47 of the present application. The current version of the claims is reflected in the amendment dated December 15, 2005.

The Examiner has again rejected claims 1-12, 44 and 47 under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent No. 6,442,694 ("Bergman"). As explained more fully in the Amendment dated December 15, 2005, the Examiner has made a clear mistake by confusing predicting when a terrorist attack will occur with detecting an attack that has already been launched. This is a simple yet fundamental difference.

Applicants have reviewed the passages cited in the “Response to Arguments” section of the office action, and they are all directed toward detection rather than prediction. Accordingly, Bergman fails to disclose “determining a probability that a terrorist attack using the weapon and at the delivery point will occur” as required by claims 1 and 7. Applicants therefore request withdrawal of the outstanding rejection and allowance of all currently pending claims.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

A handwritten signature in black ink, appearing to read "James M. Heintz", is written over a horizontal line.

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